

# Fiscal Year 2023 Indian Environmental General Assistance Program (GAP) National Notice of Funding Availability (National NOFA)

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# Fiscal Year 2023 GAP NOFA

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## 1. **Introduction**

With this Notice of Funding Availability (NOFA), EPA invites proposals for Indian Environmental General Assistance Program (GAP) grants for Fiscal Year 2023 to fund work plans beginning on or after October 1, 2023.

## 2. **Program Description**

EPA provides GAP financial and technical assistance to tribal governments and intertribal consortia to assist tribes in planning, developing, establishing, and maintaining the capacity to implement federal environmental programs administered by the EPA and to assist in implementation of tribal solid and hazardous waste programs. EPA's GAP Guidance provides a consistent national framework for building tribal environmental program capacity under GAP and is designed to improve the management of GAP resources.

As described in the national program priorities below, GAP supports tribal government efforts to develop core environmental program capacities, such as administrative, financial management, information management, environmental baseline needs assessment, public education/communication, legal, technical/analytical, and capacity needed to implement and/or meaningfully participate in federal environmental protection programs. Learn more about GAP on the EPA website at <https://www.epa.gov/tribal/indian-environmental-general-assistance-program-gap>.

### **Important Reference Documents for GAP**

The following statutes, guidance, policies, and plans govern EPA's administration of GAP grants:

[Indian Environmental General Assistance Program Act of 1992](#)

Solid Waste Disposal Act, commonly known as the [Resource Conservation and Recovery Act](#)

Federal Regulations, including [2 CFR Part 200](#), [2 CFR Part 1500](#), and [40 CFR Part 35, Subpart B](#)

[OITA's FY23 – FY24 National Program Guidance](#) (August 2022)

[Indian Environmental General Assistance Program \(GAP\) Guidance on Financial Assistance Agreements](#) (September 2022)

[EPA Policy for the Administration of Environmental Programs on Indian Reservations](#) (1984)

[EPA's FY22 – FY26 Strategic Plan](#)

The national program priorities for GAP underscore GAP's role in fostering partnerships between EPA and federally recognized Indian tribes.

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The national program priorities for the administration of GAP are to:

1. Ensure tribal governments have the opportunity to build the capacity to:
  - a. Implement federal environmental programs through EPA delegations, authorizations, and approvals, where applicable; and
  - b. Meaningfully participate in environmental protection activities that inform, support, or enhance direct implementation under federal environmental statutes administered by EPA.
2. Promote tribal self-governance by working closely with tribes to:
  - a. Accomplish tribal environmental program goals in EPA-Tribal Environmental Plans (ETEPs) that reflect federal environmental program areas of need to protect human health and the environment;
  - b. Support tribes' development of strong core environmental program capacities for media-specific programs administered by EPA; and
  - c. Foster tribes' capacity to assume the authority to implement programs administered by EPA.
3. Promote intergovernmental collaboration and partnership among EPA, tribes, states, and others, and focus GAP financial and technical assistance to protect human health and the environment.
4. Support implementation of established solid and hazardous waste regulatory programs in accordance with the purposes and requirements of applicable provisions of law, including the Solid Waste Disposal Act (commonly known as the Resource Conservation and Recovery Act).
5. Maintain strong national program management practices to produce compelling results that align with EPA's statutory authorities.

### 3. **Award Information**

#### *Types of Financial Assistance Agreements*

Successful applicants will receive assistance in the form of either a Grant Agreement or a Cooperative Agreement. Cooperative Agreements are awarded when substantial involvement from EPA is anticipated to achieve the work plan deliverables.

GAP is also one of several EPA grants eligible for combining into a Performance Partnership Grant (PPG). See Section 10 of this NOFA for additional information on PPGs.

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## Cost Match

Applicants are not required to provide any matching share of GAP project costs.

## Period of Performance

GAP grant project periods may not exceed four years. At the end of a 4-year grant period, tribes and intertribal consortia may apply for new GAP grants. When GAP funds are included in PPGs, the project period can be up to 5 years.

Current grantees completing proposed activities as scheduled, submitting progress reports on time, fulfilling closeout requirements, regularly drawing funds down, and meeting all other grant requirements are encouraged to submit multi-year funding requests. Applicants should discuss this option with their EPA Project Officer before submitting a multi-year proposal.

## **4. Eligible Recipients**

Indian tribal governments (tribes) and intertribal consortia are eligible to receive funds under this grant program.<sup>1</sup> These terms are defined in [40 CFR 35.502](#) as follows:

An *Indian tribal government (tribe)*, except as otherwise defined in statute or applicable program specific regulation, is any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is recognized as eligible by the U.S. Department of the Interior for the special services provided by the United States to Indians because of their status as Indians.

An *intertribal consortium* is a partnership between two or more tribes authorized by the governing bodies of those tribes to apply for and receive assistance under GAP.

## Intertribal Consortium

Under EPA's tribal grant regulations, an intertribal consortium is eligible to receive GAP financial assistance when the consortium can adequately document compliance with the following requirements:<sup>2</sup>

1. A majority of its members are eligible to receive GAP grants.
2. All member tribes that meet GAP eligibility requirements authorize the consortium to apply for and receive the award; and
3. Adequate accounting controls are in place to ensure that only members that meet the eligibility requirements will benefit directly from the award and the consortium agrees to an award condition to that effect.

With each new GAP grant application (meaning the first year of a multi-year grant), an intertribal consortium must include documentation of: (1) the existence of the partnership between eligible tribal governments; and (2) the authorization of the consortium by all GAP-eligible member tribes to apply for and receive the grant. See Section 3.5 of the GAP Guidance for details on acceptable forms of documentation.

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<sup>1</sup> [40 CFR §35.543](#).

<sup>2</sup> [40 CFR §35.504](#).

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The tribe determines who their duly authorized representative is. Duly authorized representatives may include, for example, tribal leadership, tribal environmental directors, or tribal administrators. If documentation includes consortium resolutions, the resolution must have unanimous support, meaning no abstentions and no majority approvals, from all board members.

Intertribal consortia may use GAP funds to provide training and technical assistance to support the environmental priorities of GAP-eligible member tribes. Alternatively, tribal governments may choose not to receive GAP funds directly but decide instead to work with an intertribal consortium to address their environmental priorities. Tribes that choose to not receive GAP funding directly may make a request to the EPA Regional Office for an intertribal consortium to receive funding to conduct environmental activities for the benefit of the tribe. Refer to Section 3.5.1 of the GAP Guidance for further details.

### 5. **Funding Amounts**

EPA funds applicants in the following order:

1. Individual tribes. The primary purpose of GAP funding is to build tribal capacity for developing and administering environmental protection programs. Therefore, providing GAP grants to individual tribal governments is our highest priority. Work plan considerations for tribes requesting a consortium to receive funding to conduct environmental activities for the benefit of the tribe should be considered as “individual tribes.”
2. Intertribal consortia. EPA considers funding for intertribal consortia after it has funded individual tribes’ proposals. Consortia work plans must meet the capacity-building needs of their member tribes without duplicating members’ efforts.

Applicants may request funding within their Region’s funding parameters for FY23. Final awards must be between \$75,000, for initial awards, and no more than 10% of the total Congressional appropriation, and may be based on factors such as, but not limited to, activities proposed, prior awards to the applicant, existing balances, and reporting status. See Section 8 of this NOFA for more information.

Final GAP funding amounts may also be impacted by the final annual appropriation EPA receives from Congress, newly applying tribes, rescissions, or similar national or regional funding factors.

### 6. **Application Information**

A full grant application must be received by electronic submission through [Grants.gov](https://www.grants.gov)<sup>3</sup> by the date for your Region. GAP applications submitted after the due date identified by the Region may not be considered for GAP funding.

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<sup>3</sup> Applicants that have limited or no internet capacity should refer to [Exceptions to the Grants.gov Requirement](#) to learn about how to request an exception.

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Regional deadlines are included in the table below.

Region	Work Plan Due Date Stand-Alone GAP	Work Plan Due Date GAP in a PPG	Applications Due in Grants.Gov
1	N/A	June 2, 2023	June 30, 2023
2	Feb/March, 2023 <sup>4</sup>	Feb/March, 2023	Feb/March, 2023
3	May 26, 2023	N/A	May 26, 2023
4	March 31, 2023	March 31, 2023	June 15, 2023
5	60 days from date of allocation letter from EPA Project Officer	60 days from date of allocation letter from EPA Project Officer	Determined by EPA Project Officer
6	February 17, 2023	April 21, 2023	GAP stand-alone: February 17, 2023 GAP in PPGs: April 21, 2023
7	March 3, 2023	March 3, 2023	June 15, 2023
8	February 23, 2023	February 23, 2023	June 1, 2023
9	Tribes: January 20, 2023  Intertribal Consortia: January 27, 2023	January 20, 2023	GAP stand-alone: January 20, 2023 GAP in PPGs: Determined by EPA Project Officer
10	February 17, 2023	February 17, 2023	May 19, 2023

Regions may provide supplemental application guidance. Contact information for each Regional Tribal Program Manager is on the EPA website, <https://www.epa.gov/tribal/epa-tribal-program-managers>.

Assistance Listings: Funding Opportunity Number: EPA-CEP-02  
Indian Environmental General Assistance Program (GAP) – 66.926

Funding Opportunity Number: EPA-CEP-01  
Performance Partnership Grants (PPG) – 66.605

A full grant application includes the following items; all forms are located at <https://www.epa.gov/grants/epa-grantee-forms>

- 1) Work Plan (submit in Grants.gov. Also recommend sending to EPA Project Officer via email)

<sup>4</sup> EPA Region 2 will provide additional information on work plan and applicant deadlines applicable to R2 applicants.

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- 2) Budget Narrative (submit in Grants.gov. Also recommend sending to EPA Project Officer via email)
- 3) Application for Federal Assistance (SF-424)
- 4) Budget Information Non-Construction Programs (SF-424A)
- 5) Certification Regarding Lobbying (EPA Form 6600-06) - *For new grant applicants only*
- 6) Pre-award Compliance Review Report (4700-4)
- 7) Key Contacts Form (Form Approved OMB No: 2030-0020)
- 8) If the applicant's budget includes indirect costs, a copy of the Approved Indirect Cost Rate Agreement; or the latest proposal (whichever document is most recent)

**EPA will discontinue the use of GAP Online (GO3) by the end of FY23. Please do not enter new work plans in GO3.**

A work plan and budget worksheet must be included that covers each year of funding requested.

### 7. **Work Plan and Budget Requirements**

#### Work Plan

An approvable work plan must specify<sup>5</sup>:

- The work plan components to be funded under the grant
- The estimated work years (i.e., FTE) and estimated funding amounts for each work plan component
- The work plan commitments for each work plan component, and a time frame for their completion
- A performance evaluation process and reporting schedule
- The roles and responsibilities of the applicant and EPA in carrying out the work plan commitments (i.e., explain who will do what)

In addition, the work plan must include

- A description of proposed eligible GAP activities and how they support the GAP national priorities
- The expected outcomes and environmental results associated with each work plan component
- The expected outputs/deliverables that will be submitted to EPA for each commitment
- For each component, a reference to the corresponding tribal priority (or priorities) in the ETEP, or if new, the applicant's plan to develop an ETEP (See Section 9 of this NOFA for more information on ETEPs)
- A separate component for service delivery activities (GAP Guidance Section 2.1.1 (2)).

#### Service Delivery Activities

Recipients may use GAP funding to provide service delivery activities, such as the collection, transportation, backhaul, and disposal of solid waste and/or recovered resources. Tribes seeking GAP funding for these activities should structure their proposals to identify:

1. the amount of waste collected, transported, backhauled, and disposed,

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<sup>5</sup> See [40 CFR §35.507 \(b\)](#) for the first five elements.

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2. what type of material will be serviced (solid waste or recovered materials),
3. where the serviced materials originated (residential, institutional, or commercial sources), and
4. the final disposition of the waste materials.

For more information about waste and recovered materials classifications, see:

<https://www.epa.gov/smm/advancing-sustainable-materials-management-facts-and-figures>.

### Budget

The budget must include sufficient detail for EPA to understand the applicant's planned expenditures, and all items in the budget must be reflected in the work plan.

Submitted budgets should:

- Include all applicable costs, which may include personnel, fringe, travel, equipment, supplies, contracts, consultants, other, and indirect costs.
- Include detailed break outs on cost estimates for equipment, supplies, contracts, and other.
- If the tribe or intertribal consortia applicant receives income from activities conducted through the grant, such as recycling, include an estimate of the income anticipated for the year.

Regional Offices may not approve tribal grants where it is anticipated that drawdown of a substantial portion of federal funds will be delayed until the end of the project period without the approval of the American Indian Environmental Office (AIEO). Before approving any such grant, AIEO will confer with the Office of Grants and Debarment and the Office of the Chief Financial Officer in a timely manner.

### Additional Requirements

All applicants must also have:

- Active/updated UEI, SAM, and Grants.gov registrations;
- A single or program-specific audit in compliance with 2 CFR §200 if the applicant spends \$750,000 or more in federal funds annually; and
- Included all information requested in this NOFA in the proposal.

## 8. **Application Review Criteria**

Each Region should refer to Section 4.2 of the 2022 GAP Guidance when negotiating work plans and determining final award amounts, and should further consider:

- the amount of GAP funding the Region receives;
- the number of tribes and intertribal consortia submitting applications;
- whether the application was received on time;
- the applicant's level of unexpended GAP funds;
  - *Current grant recipients must be making regular drawdowns per the terms and conditions of the grant agreement and not have a high balance of unexpended funds*
- whether the work plan includes all the required elements, including components and commitments, long-term and intermediate outcomes, and outputs and deliverables;



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- whether proposed activities are allowable and costs reasonable to achieve the project goals;
- whether proposed activities help the applicant to achieve priorities identified in the relevant ETEP(s);
  - *If the tribe or intertribal consortium (where applicable) does not have a current ETEP, the work plan should include a commitment to complete one*
- whether proposed activities meet the review factors, including past performance;
  - *Current grant recipients must be making satisfactory progress (meeting project goals and completing work plan commitments in a timely manner, and overseeing finances) and, if not, have a corrective action plan in place*
- whether the applicant is current on all reporting requirements.
  - *Current grant recipients must be current with all reporting requirements (progress reporting, closeout requirements for prior GAP grants, and annual Federal Financial Reports)*
- Current grant recipients must also ensure that the proposed work plan is not identical to previous work plans and have a demonstrated history of being responsive to EPA requests for information and modifications.

### High Balances

Grantees with a high balance of unspent GAP funding (referred to as unliquidated obligations (ULOs)) from previous years will be evaluated by EPA Project Officer to determine whether a no-cost extension or reduced award may be appropriate. Learn more about EPA's ULO policy at

<https://www.epa.gov/sites/default/files/2020-11/documents/gpi-11-01-managing-unliquidated-obligations.pdf>

### 9. **ETEPs**

In accordance with the GAP Guidance, EPA will work with each tribe to develop and implement an ETEP, which sets the stage for stronger environmental and human health protection in tribal communities.

Tribes and EPA should jointly review the ETEP annually, or at a minimum every five years, and update it as needed. Tribes may include activities to update their ETEP in their work plan proposals.

If an applicant has received a GAP grant in the last year but has not completed an ETEP, EPA may award new, incremental, or supplemental funding only for work plan activities related to finalizing the ETEP. For any tribe seeking GAP funding that does not have an ETEP, including first time applications, the applicant should include developing an ETEP as a work plan commitment.

For GAP awards made on or after October 1, 2022, capacity indicators should be incorporated into renewing ETEPs. Previously, applicants selected a capacity indicator for each work plan component; this is no longer required. Capacity indicators are measurable conditions that demonstrate environmental program capacity achieved with GAP funding; they are not the same as a list of eligible activities. The current list of GAP Capacity Indicators is available on EPA's website at [GAP Capacity Indicators](#). See Section 2.3 of the GAP Guidance for more information.

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An intertribal consortium who is receiving GAP funding to conduct environmental activities on behalf a member tribe or tribes should also develop an ETEP. See Section 3.5.1 for more information.

### 10. **Performance Partnership Grants (PPG)**

PPGs allow eligible tribes and intertribal consortia to combine funds from at least two eligible environmental grant programs, including GAP, into a single grant, improve environmental performance, increase programmatic flexibility, achieve administrative savings (such as elimination of cost share), and strengthen the partnerships between the tribe and EPA.

Since multiple programs are involved, PPG proposals and applications may take longer to develop than single grant proposals. PPG deadlines may vary depending on the type of programs involved. Applicants should confirm due dates with their EPA Project Officer.

Tribes and intertribal consortia with PPGs should communicate regularly with their EPA Project Officer when applying for EPA program grants. Grantees may request additional grants be added to their PPG, including competitive grants. A complete list environmental program grants eligible for including in a PPG is available on EPA's website at <https://www.epa.gov/ocir/nepps-implementing-performance-partnerships>.

To learn more about PPGs, and specifically about including GAP in a PPG, see Section 3.4 of the GAP Guidance.

Effective October 1, 2021, cost match is no longer required for PPGs. See [RAIN-2022-G01, Class Exception to the Cost Share Requirements for Tribal and Intertribal Consortia Performance Partnership Grants \(PPGs\)](#) for more information.

### 11. **Award Acceptance**

Recipients must demonstrate their commitment to carry out an award by either: 1) beginning to draw down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award mailing date.

### 12. **Administrative And National Policy Requirements**

Regulations governing the award and the administration of environmental programs for tribes and intertribal consortium can be found in Title 40 of the Code of Federal Regulations (CFR), Part 35, Subpart B ([40 CFR §35.500-35.518](#)) and [2 CFR §200](#) and [1500](#).

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### 13. **Reporting**

The following reports are required for all grantees. Contact your EPA Project Officer for details.

<b>Report</b>	<b>Due Date (for awards starting October 1)</b>	<b>Due Date (for awards starting January 1)</b>
Progress reports that document progress in performing the commitments listed in the work plan and, if applicable, describe any problems and a plan for resolving them	<p>Generally quarterly, biannually, or annually. Refer to the Grant Agreement for specific due dates.</p> <ul style="list-style-type: none"> <li>• Quarter 1: Progress reports due January 30.</li> <li>• Quarter 2: Progress reports due April 30.</li> <li>• Quarter 3: Progress reports due July 30.</li> <li>• Quarter 4: Progress reports due October 30</li> </ul>	<p>Generally quarterly, biannually, or annually. Refer to the Grant Agreement for specific due dates.</p> <ul style="list-style-type: none"> <li>• Quarter 1: Progress reports due April 30.</li> <li>• Quarter 2: Progress reports due July 30.</li> <li>• Quarter 3: Progress reports due October 30.</li> <li>• Quarter 4: Progress reports due January 30</li> </ul>
<a href="#"><u>Annual Federal Financial Reports (FFRs)</u></a>	<ul style="list-style-type: none"> <li>• Within 90 days of the end of the project period (December 30)</li> </ul>	<ul style="list-style-type: none"> <li>• Within 90 days of the end of the project period (March 30)</li> </ul>
<a href="#"><u>Final Federal Financial Report (FFR)</u></a>	<ul style="list-style-type: none"> <li>• Within 120 days of the end of the project period (January 28 for fiscal year grants)</li> </ul>	<ul style="list-style-type: none"> <li>• Within 120 days of the end of the project period (April 30 for calendar year grants)</li> </ul>
Final performance report	<ul style="list-style-type: none"> <li>• Within 120 days of the end of the project period (January 28 for fiscal year grants).</li> </ul>	<ul style="list-style-type: none"> <li>• Within 120 days of the end of the project period (April 30 for calendar year grants).</li> </ul>